IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 13276 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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KAMLESHBHAI SOMABHAI BAROT - Petitioner(s)
Versus
DISTRICT MAGISTRATE & 3 - Respondent(s)

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Appearance :
MR PRAVIN GONDALIYA for Petitioner(s) : 1,
MR IM PANDYA GOVERNMENT PLEADER for Respondent(s) : 1 - 2, 4,
MR PURVISH J MALKAN for Respondent(s) : 1,
MR BIPIN BHATT for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 26/09/2006

ORAL JUDGMENT

1. By way of this petition, the detenu has challenged the order of District Magistrate, Kheda at Nadiad dated 02.05.2006 passed in exercise of powers under Section 3(2) of the Prevention of Black Marketing & Maintenance of Supplies of Essential Commodities Act, 1980 (“P.B.M. Act” for short), detaining him.

2. The brief facts of the case are that on 13.04.2006, premises of the detenu was raided by

the Authority and it was found that the detenu was involved in unauthorized purchase and selling of L.P.G. Thereafter, the detenu came to be detained by the Authority vide impugned order.

3. Learned counsel for the petitioner has submitted that the co-detenu have been released by this Court vide orders dated 26.09.06 passed in Special Civil Application Nos. 11454, 11457 and 11461 of 2006 and has, therefore, prayed for allowing the present petition on the ground of parity.

3. As a result of hearing and perusal of records, I am of the opinion that in view of the fact that the co-detenu have been released by this Court, the present detenu also deserves to be released on the ground of parity. The petition, therefore, is allowed. The impugned detention order dated 02.05.2006 passed against the detenu is hereby quashed and set aside. The detenu is ordered to be set at liberty forthwith, if he is not required in connection

with any other case by the Authority. Rule is made absolute accordingly with no order as to costs. Direct service is permitted.

(K.S. Jhaveri,J.)

Umesh/